

WILLIAM A. ISAACSON (*Pro hac vice*)
wisaacson@paulweiss.com

KAREN L. DUNN (*Pro hac vice*)
ldunn@paulweiss.com

JESSICA PHILLIPS (*Pro hac vice*)
jphillips@paulweiss.com

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006

DONALD J. CAMPBELL (No. 1216)
djcc@campbellandwilliams.com
J. COLBY WILLIAMS (No. 5549)
jcw@campbellandwilliams.com
CAMPBELL & WILLIAMS
700 South 7th Street
Las Vegas, NV 89101

CHRISTOPHER S. YATES (*Pro hac vice*)
chris.yates@lw.com

LATHAM & WATKINS LLP
505 Montgomery Street, Suite 2000
San Francisco, CA 94111

SEAN M. BERKOWITZ (*Pro hac vice*)
sean.berkowitz@lw.com
LATHAM & WATKINS LLP
330 North Wabash Ave, Suite 2800
Chicago, IL 60611

LAURA R. WASHINGTON (*Pro hac vice*)
laura.washington@lw.com
LATHAM & WATKINS LLP
10250 Constellation Blvd, Suite 1100
Los Angeles, CA 90067

Attorneys for Defendant Zuffa, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Cung Le, Nathan Quarry, Jon Fitch, Brandon Vera,
Luis Javier Vazquez, and Kyle Kingsbury on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

Zuffa, LLC, d/b/a Ultimate Fighting Championship
and UFC,

Defendant.

Case No.: 2:15-cv-01045-RFB-BNW

**DECLARATION OF DAVID L.
JOHNSON IN SUPPORT OF
ZUFFA, LLC'S MOTIONS IN
LIMINE**

1 I, David L. Johnson, declare as follows:

2 1. I am a member in good standing of the bar of the State of Virginia and the District
3 of Columbia. I am admitted pro hac vice to practice before this Court. I am an attorney with the
4 law firm Latham & Watkins LLP, counsel for Zuffa, LLC (“Zuffa”), in the above-captioned action
5 in the U.S. District Court for the District of Nevada, *Le v. Zuffa, LLC*, No. 2:15-cv-01045-RFB-
6 (BNW). I make this declaration pursuant to LR 16-3(a) in support of Defendants’ Motions *in*
7 *Limine* Nos. 1-13 (“Motions”).

8 2. On February 12, 2024, pursuant to the Court’s pre-trial schedule, Zuffa provided to
9 counsel for plaintiffs a preliminary list of motions *in limine*.

10 3. On February 16, 2024, I met with counsel for plaintiffs by teleconference, along
11 with additional counsel for Zuffa, and discussed these motions *in limine*. Counsel for plaintiffs
12 and counsel for Zuffa then exchanged writings regarding the parties’ proposed motions *in limine*
13 in an effort to narrow disputes for the Court on at least February 21, 23, and 26, 2024. On February
14 27, 2024, pursuant to the pre-trial schedule, counsel for Zuffa provided counsel for plaintiffs a
15 revised list of motions *in limine* on February 27, 2024, and there were thereafter additional written
16 communications with counsel for plaintiffs regarding these motions.

17 4. After thorough discussion with counsel for plaintiffs, we were unable to resolve the
18 Motions without Court action.

19 5. Because the parties could not reach an agreement on these issues, Zuffa’s current
20 Motions are necessary.

21 6. Certain documents attached to this Declaration have had red boxes or yellow
22 highlighting added to them. These markings are intended to indicate materials cited in the Motions
23 referenced above. The true and correct copies of materials attached to this Declaration are subject
24 to the addition of those markings. The exhibits are otherwise unmodified unless stated.

25 7. Attached hereto as Exhibit 1 is a true and correct excerpt of the first deposition of
26 Hal J. Singer, dated September 27, 2017 in this litigation.

27 8. Attached hereto as Exhibit 2 is a true and correct excerpt of the deposition of Jon
28 Fitch, taken on February 15, 2017 in this litigation.

9. Attached hereto as Exhibit 3 is a true and correct excerpt of the deposition of Kyle Kingsbury, taken on February 17, 2017 in this litigation.

10. Attached hereto as Exhibit 4 is a true and correct excerpt of the deposition of Javier Vazquez, taken on February 14, 2017 in this litigation.

11. Attached hereto as Exhibit 5 is a true and correct copy of excerpt of the deposition of Nathan Quarry, taken on September 30, 2016 in this litigation.

12. Attached hereto as Exhibit 6 is a true and correct copy of Press Release, Professional Fighters League, Professional Fighters League Acquires Bellator, Creating Global MMA Powerhouse dated Nov. 20, 2023, <https://pflmma.com/news/professional-fighters-league-acquires-bellator-in-industry-transformative-deal>.

13. Attached hereto as Exhibit 7 is a true and correct excerpt of the deposition of Jeremy Lappen, taken on February 28, 2017 in this litigation.

14. Attached hereto as Exhibit 8 is a true and correct copy of the Order Granting Preliminary Injunction, *Zuffa, LLC v. Couture*, No. 08A555208 (Nev. Dist. Ct., Clark Cnty. Feb. 29, 2008).

15. I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct. Executed this 29th day of February, 2024 in Washington, D.C.

/s/ *David L. Johnson*

David L. Johnson

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Declaration of David L. Johnson In Support of Zuffa, LLC's Motions *In Limine* was served on February 29, 2024 via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

/s/ David L. Johnson
David L. Johnson of
LATHAM & WATKINS LLP